# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 09/817,055 | 03/27/2001 | Steven J. Martin | 95-463 | 9202 |

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
|---|---|
| 2154 | |

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | **Application No.** | **Applicant(s)** |
|---|---|---|
| **Office Action Summary** | 09/817,055 | MARTIN ET AL. |
| | **Examiner** | **Art Unit** | |
| | Jungwon Chang | 2154 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on <u>*11 July 2005*</u>.

2a)☐ This action is **FINAL.**        2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) *1,3-11,13-19,22-26,28-36 and 38-45* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8,11,13-19,22-26,28-33,36 and 38-43* is/are rejected.

7)☒ Claim(s) *9,10,34,35,44 and 45* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>*6/13/01*</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

## DETAILED ACTION

1.    This office action is responsive to amendment filed on 7/11/2005. Claims 1, 3-11,

13-19, 22-26, 28-36 and 38-45 are presented for examination.

2.    Claims 9, 10, 34, 35, 44 and 45 are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

### Claim Rejections - 35 USC § 103

3.    The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.    Claims 1, 3-8, 11, 13-19, 22-26, 28-33, 36 and 38-43 are rejected under 35

U.S.C. 103(a) as being unpatentable over Hoyer et al. (US 6,339,750), in view of Curley

et al. (US 2002/0120727), hereinafter Curley.

5.    As for claims 1, 26, and 36, Hoyer teaches a method in a host computer having a

server configured for providing web based management of host computers in

communication via an open protocol network (Internet, fig. 1) (col. 1, lines 25-36), the

method comprising:

first receiving, by the server (server 225, Fig. 5) and from a user browse

(browser, 210, fig. 5) according to hypertext transport protocol (HTTP), a web-based

user request (SNMP or HTTP request, col. 5, lines 41-46 and 53-54; col. 8, lines 25-50;

col. 13, lines 33-60; col. 15, lines 63-67) specifying execution of a management

operation by at least one selected host computer (server 225, Fig. 5) specified in the

web-based user request (col. 8, lines 25-28), each host computer having an application

resource for executing corresponding application operations and a management

resource for executing the management operation, the application resource of said host

computer having received the web-based user request being said server (col. 8, lines

51-67);

first outputting from the server to the corresponding management resource of the

at least one selected host computer a web request generated by the server based on

executing the web-based user request, the web request specifying a management

command for execution of the management operation by the management resource of

the at least one selected host computer (col. 8, lines 51-67; col. 12, lines 11-26);

second receiving by the server from the corresponding management resource of

the at least one selected host computer a web response that specifies information

based on execution of the management operation (col. 8, lines 17-28); and

second outputting by the server to the user browser a web-based user response

based on the web response (col. 8, lines 25-28).

6.      Hoyer discloses a HTTP operation for sending and receiving requests (SNMP or

HTTP request, col. 5, lines 41-46 and 53-54; col. 7, lines 31-47; col. 8, lines 36-37) that

inherently comprise a HTTP post and HTTP get. However, Hoyer does not specifically

use a term "HTTP post". Curley discloses HTTP post (page 10, 0195; page 11, 0201;

page 12, 0213, 0215, 0227; page 13, 0234). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine the teachings of

Hoyer and Curley because Curley's HTTP post operation would allow a user to

efficiently access a desired web-based resources.


7.      As for claims 3, 28 and 38, Hoyer further teaches detecting a presence of the

host computers on the open protocol network (col. 6, lines 43-55).


8.      As for claims 4, 5, 14, 23, 29, 30, 39 and 40, Hoyer teaches specifying the host

computers and available management operations for the host computers on the web

page output to the user for the purpose of monitoring system performance (col. 8, lines

17-50). Hoyer further Hoyer discloses a HTTP operation for sending and receiving

requests (SNMP or HTTP request, col. 5, lines 41-46 and 53-54; col. 7, lines 31-47; col.

8, lines 36-37) that inherently comprise a HTTP post and HTTP get. However, Hoyer

does not specifically HTTP post. Curley discloses HTTP post (page 10, 0195; page 11,

0201; page 12, 0213, 0215, 0227; page 13, 0234). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine the teachings of

Hoyer and Curley because Curley's HTTP post operation would allow a user to

efficiently access a desired web-based resources.

9.      As for claims 6, 31 and 41, Hoyer teaches the system and method of claims 5, 30

and 40, wherein the first outputting step further includes specifying at least one of a

backup operation, a file transfer operation, and a status report operation as the

management operation (col. 1, lines 46-59; col. 12, lines 11-26).

10.     As for claims 7, 32 and 42, Hoyer teaches the system and method of claims 6, 31

and 41, wherein the second receiving step includes receiving at least one of a backup

acknowledgement, a transferred file, and a status report in response to the

management operation specifying at least one of a backup operation, a file transfer

operation, and a status report operation, respectively (col. 12, lines 11-26).

11.     As for claims 8, 33 and 43, Hoyer teaches wherein the at least one selected host

computer is said host computer having the server as the corresponding application

resource, the first outputting step includes outputting the web request to an HTTP

interface within the server (Fig. 5; col. 7, lines 32-47; col. 8, lines 36-37).

12.     As for claim 11, it is rejected for the same reasons set forth in claim 1 above. In

addition, Hoyer discloses a host computer configured for providing web based

management of host computers in communication via an open protocol network, a

server comprising:

a web based interface (Fig. 4; browser 500, Fig. 5; col. 6, lines 15-27) configured

for receiving a web-based user request from a user and outputting a web page, the web

page interface configured for outputting a web request to an identified host computer

and receiving a web response from the identified host computer (col. 8, lines 17-28; col.

8, lines 51-67); and

an executable server application (server performance monitor 225, Fig. 3)

configured for identifying the identified host computer specified in the web-based user

request for execution of a management operation specified in the web-based user

request and necessary for generating the web page in response to the web-based user

request, the executable server application generating within the request an identifier

that specifies execution of the management operation by a management resource

within the identified host computer, the executable server application generating a web

page based on results of execution of the management operation specified within the

web response (col. 8, lines 29-67).


13.     As for claim 13, Hoyer discloses the server of claim 11, further comprising a

software resource configured for detecting a presence of the host computers on the

open protocol network (col. 6, lines 43-55).


14.     As for claim 15, Hoyer discloses the server of claim 11, wherein the executable

application specifies within the web request at least one of a backup operation, a file

transfer operation, and a status report operation as the management operation (col. 12,

lines 11-26).

15.    As for claim 16, it is rejected for the same reasons set forth in claim 11 above. In

addition, Hoyer discloses comprising a second management resource configured for

executing a specified management operation in response to a second web request

received by the web based interface, the second management resource configured for

outputting to the web based interface a second response that specifies second results

of execution of the corresponding specified management operation specified by the

second web request (col. 8, lines 29-67).

16.    As for claim 17, Hoyer discloses the server of claim 16, wherein the identifier in

the web request specifies the second management resource executed within the server

(col. 8, lines 29-67).

17.    As for claim 18, Hoyer discloses the server of claim 16, wherein the executable

application and the second management resource each are configured for selectively

responding to an HTTP request received by the web based interface based on a

corresponding identifier within the HTTP request (col. 3, lines 19-38).

18.    As for claim 19, it is rejected for the same reasons set forth in claims 1 and 11

above. In addition, Hoyer teaches a system configured for performing distributed

computing operations, the system comprising:

a plurality of host computers (Figs. 2 and 3) configured for communication via an

Internet protocol (IP) network, each host computer including:

(1) a web interface configured for sending and receiving web requests and web

responses (col. 6, lines 15-27),

(2) a corresponding application resource configured for performing corresponding

application operations (27 cluster manager CM/400; Fig. 3; col. 7, lines 31-47), and

(3) a management resource (performance monitor 225, Fig. 3) configured for

executing prescribed management operations in response to respective web requests

received by the corresponding web interface, the management resource configured for

outputting a web response that specifies results of execution of a selected management

operation in response to a received web request (col. 7, lines 31-47);

wherein the application resource of one of the host computers includes a web

based management server resource as the corresponding application resource, the web

based management server resource configured for: (1) generating the web request for

execution of the selected management operation by at least one selected host

computer in response to reception of a web request that specifies the selected

management operation and the at least one selected host computer (col. 8, lines 29-

67); and (2) outputting to the user a web-based user response based on the

corresponding web response from the at least one selected host computer (col. 8, lines

25-28).

19.     As for claim 22, Hoyer teaches the system of claim 19, wherein the one host

computer further includes a software resource configured for detecting a presence of

the host computers on the IP network (col. 6, lines 43-55).


20.     As for claim 24, Hoyer teaches system of claim 23, wherein the web based

management server specifies within the web request at least one of a backup operation,

a file transfer operation, and a status report operation as the management operation

(col. 1, lines 46-59; col. 12, lines 11-26).


21.     As for claim 25, Hoyer teaches the system of claim 19, wherein each

management resource is configured for generating a second web request to a

management resource of another one of the host computers for execution of a second

management operation necessary for execution of the corresponding management

operation by said each management resource, said another one of the host computers

executing the second management operation in response to the second web request

and returning to send each management resource a corresponding web response that

specifies information based on execution of the second management operation (col. 8,

lines 29-67).


22.     Applicant's arguments with respect to claims 1, 3-8, 11, 13-19, 22-26, 28-33, 36

and 38-43 have been considered but are moot in view of the new ground(s) of rejection.

23.    In the remarks, the applicant argued in substance that:

(1)    As admitted in the Office Action, Hoyer neither discloses nor suggests using an

HTTP post operation for sending and receiving requests.

(2)    Hoyer neither discloses nor suggests receiving a <u>web-based user request</u> from a

user browser according to HTTP protocol.

(3)    Hoyer neither discloses nor suggests outputting to a selected host computer a

web request according to HTTP protocol and that specifies a management command

for execution of the management operation by the management resource of the at least

one selected host computer.

(4)    Hoyer neither discloses nor suggests receiving a web response according to

HTTP protocol and that specifies information based on execution of the management

operation.


24.    Examiner respectfully traverses applicant's remarks:

As to point (1), applicant is directed to see paragraph 6 above. Hoyer clearly discloses a

HTTP operation for sending and receiving requests (SNMP or HTTP request, col. 5,

lines 41-46 and 53-54; col. 7, lines 31-47; col. 8, lines 36-37) that inherently comprise a

HTTP post and HTTP get. However, Hoyer does not specifically use a term "HTTP

post". Curley discloses HTTP post (page 10, 0195; page 11, 0201; page 12, 0213,

0215, 0227; page 13, 0234). It would have been obvious to one of ordinary skill in the

art at the time the invention was made to combine the teachings of Hoyer and Curley

because Curley's HTTP post operation would allow a user to efficiently access a

desired web-based resources.

As to point (2), Hoyer discloses a web browser (210, fig. 5; col. 6, lines 10-13) that operates in accordance with standard HTTP protocol, described fully in Internet standards document RFC 2616. Hoyer clearly that inherently allows a server to receive a web-based user request from a user browser (web browser, 210, fig. 5) according to HTTP protocol (HTTP; col. 5, lines 53-54) (col. 5, lines 41-46 and 53-54; col. 8, lines 25-50; col. 13, lines 33-60; col. 15, lines 63-67).

As to point (3), Hoyer clearly discloses outputting to a selected host computer a web request according to HTTP protocol and that specifies a management command for execution of the management operation by the management resource of the at least one selected host computer (col. 8, lines 51-67; col. 12, lines 11-26).

As to point (4), Hoyer clearly discloses receiving a web response according to HTTP protocol and that specifies information based on execution of the management operation (col. 8, lines 17-28).

## Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Gifford et al, patent 6,549,612, Dodrill et al, patent 6,807,565 disclose a method and system for providing unified message services to a subscriber.

Oulu et al, patent 6,792,460, Landan, patent 6,449,739, Conrad et al, patent 6,892,236

disclose a method and system for allowing customers to monitor their respective web-

based server systems.

26.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jungwon Chang whose telephone number is 571-272-

3960.  The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A Follansbee can be reached on 571-272-3964.  The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Jungwon Chang
September 28, 2005